



03/17/05

2004  
AF#

Attorney's Docket No. 3477-89

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Egan et al.  
Serial No. 09/674,237  
Filed: July 24, 2001  
For: *ESE GENES AND PROTEINS*

Group: 1642  
Examiner: M.T. Davis  
Confirmation No. 4932

Date: March 16, 2005

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Pursuant to 35 USC § 134, 37 CFR § 41.31, and MPEP § 1205, the Applicant in the above-identified patent application hereby appeals to the Board of Patent Appeals and Interferences from the Office Action dated September 16, 2004 at least twice rejecting or finally rejecting claims 1, 7-10, 19, 50-51.

Enclosed is a check in the amount of \$475.00 for the Appeal fee (\$250.00) as provided by 37 C.F.R. § 41.20(b)(1) and a Petition for Extension of Time (\$225.00). (Applicant claims small entity status. See 37 CFR § 1.27.)

Payment by credit card is requested. Form PTO-2038 is attached.

A petition for an extension of time under 37 CFR § 1.136(a) is enclosed.

Also enclosed: \_\_\_\_\_

The Commissioner is authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

  
Karen A. Magri

Registration No. 41,965

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**CERTIFICATE OF EXPRESS MAILING UNDER 37 CFR 1.10**

"Express Mail" mailing label number: EV675780791US

Date of Deposit: March 16, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Sarah Brunmeier  
Sarah Brunmeier